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# EMERGENCY LOCAL RULES OF COURT

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In light of the national COVID-19 pandemic and current state of emergency, and in conjunction with Executive Order N-38-20, signed by the Governor on March 27, 2020, and the March 23 and March 30, 2020 statewide Orders of Chief Justice Tani G. Cantil-Sakauye, Chair of the Judicial Council of California, the Court adopted these Emergency Local Rules of Court effective April 6, 2020 and as amended on April 10, 2020, April 29, 2020, May 15, 2020, July 14, 2020, August 15, 2020, October 1, 2020, November 23, 2020, and February 19, 2021. These rules will remain in effect unless amended, rescinded or otherwise specified in this specific emergency rule.

**AMENDED EFFECTIVE FEBRUARY 19, 2021**

PLACER SUPERIOR COURT

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## **RULE 10.28**

## **REMOTE APPEARANCES – COVID-19 STATE OF EMERGENCY TEMPORARY RULE**

### **A. Definition and Authorization**

This TEMPORARY RULE is effective April 13, 2020 and shall remain in effect for the duration of the COVID-19 State of Emergency declared by the California Governor and up to 90 days after it has been lifted.

While this rule remains in effect, the following rules are suspended: Rule 10.24, Rule 20.8, Rule 30.13 Section (E), Rule 30.14 Sections (B)&(D), Rule 30.16 Sections (A)&(B), Rule 30.17, and Rule 80.1.2. The suspended rules shall be immediately effective upon the cancellation of this rule.

“Remote appearances” refer to appearances for a court hearing made by telephone or by video by a party to a case. Remote appearances are authorized for specific hearings and case types as specified on the remote appearance page of the court’s public website (<http://www.placer.courts.ca.gov/RAS.shtml>).

### **B. Temporary Policy for Remote Appearances – Civil and Family Law**

#### **1. Mandatory Telephone Appearances**

Telephonic appearances are mandatory in all pre-trial, law and motion, and request for order court events in Family Law cases. A party may request a personal appearance upon a good cause showing (see Optional Forms PL-CV014 and PL-FL029).

Exceptions to this mandatory requirement include (1) emergency matters; (2) restraining/protective orders; (3) adoptions; (4) family law default judgment hearings; (5) trials/evidentiary hearings; (6) family law mandatory settlement conferences; (7) and small claims hearings and trials.

#### **2. Mandatory Video Appearances**

Video appearances are mandatory for civil habeas corpus (Cirby Hills), small claims hearings and trials, family law default judgment hearings, family law trials/evidentiary hearings, and family law settlement conferences.

(a) A party may request a personal appearance upon a good cause showing (see Optional Forms PL-CV014 and PL-FL029).

(b) Parties who wish to have witnesses appear by video for Small Claims hearings or trials, family law trials/evidentiary hearings, or family law mandatory settlement conferences may file Optional Form PL-CV016.

3. Voluntary Remote Appearances – Pretrial Hearings, Judicial Pre-Approval Required

Remote appearances may be allowed in (1) emergency matters; (2) restraining/protective orders; (3) temporary guardianships/conservatorships; (4) adoptions; (5) firearms petitions, and (6) unlawful detainers. A party may request remote appearances for these hearings and notify the other party as soon as practicable, and no less than five (5) calendar days prior to the hearing whenever possible (see Optional Form PL-CW009). The parties may also request approval for a remote appearance for subsequent hearings from the judicial officer.

4. Voluntary Telephone Appearances – Civil and Probate Pre-Trial Hearings, Judicial Pre-Approval Not Required

Telephonic appearances are strongly encouraged and allowed in all pre-trial, law and motion, reviews, accountings, and ex parte court events in Civil and Probate cases. A party may schedule a remote appearance via the Court's remote appearance system (See Emergency Local Rule 10.28(C)).

Exceptions to this automatic allowance for telephone appearances include (1) emergency matters; (2) restraining/protective orders; (3) adoptions; (4) default prove up hearings; (5) evidentiary hearings; (7) small claims hearings and trials; (8) unlawful detainer hearings, and (8) trials.

5. Voluntary Video Appearances – Civil Default Prove Up Hearings, Judicial Approval Not Required

Video appearances are strongly encouraged and allowed for default prove-up hearings. A party may schedule a video appearance via the Court's remote appearance system (See Emergency Local Rule 10.28(C)).

6. Voluntary Video Appearances – Civil and Probate Long Cause Hearings and Short Cause Trials and Unlawful Detainer Hearings

- (a) Video appearances may be allowed in some Civil and Probate long cause hearings and short cause trials and in Unlawful Detainer hearings and trials subject to the approval of the judicial officer (see Optional Form PL-CW010).

The court will provide notice of approval or denial of the video appearance no later than one (1) court day prior to the hearing. If the request is granted, the court will provide instructions to the parties on how to connect to the hearing and connect to the evidence sharing solution.

Parties requesting or objecting to a video appearance must do the following:

- a. Request a video appearance by filing Optional Form PL-CW010 and serving the opposing parties no later than five (5) court days prior to the hearing;
- b. File a proof of service no less than five (5) court days prior to the court hearing date;
- c. Service may be made by email;
- d. Any objections to a video appearance must be filed with the court clerk and served on all parties no later than 3:00 pm at least three (3) court days prior to the hearing (see Optional Form PL-CW011).

C. Scheduling Remote Appearances

Remote appearances must be scheduled through the court's remote appearance scheduling system accessed through the remote appearance page of the court's public website (<http://www.placer.courts.ca.gov/RAS.shtml>) unless otherwise noted on the website or in these rules.

D. Remote Appearance Fees

1. Fees for each telephonic appearance in civil cases are charged pursuant to California Rules of Court, Rule 3.670.
2. Fees for each video appearance in civil cases are charged the same as fees for telephone appearances.
3. Litigants in civil cases with a fee waiver and litigants in non-civil cases shall not be charged fees for remote appearances.
4. All remote appearance fees must be paid through the court's remote appearance scheduling system.
5. Notwithstanding, D.1 through D.4, remote appearance fees are waived for matters where a remote appearance is mandatory for as long as temporary Rule 10.28 remains in effect.

E. Telephonic Appearance Requirements

Telephonic appearances require sufficient connectivity and an indoor location with limited background noise and distraction. It is the sole responsibility of the party appearing by telephone to ensure the above criteria are met. The court may continue the hearing and require an in-person appearance if clear communication is not possible by phone or if there is a distraction or disturbance that interferes with the hearing.

F. Video Appearance Requirements

Video appearances require sufficient internet speed and connectivity to stream video, a device capable of capturing and displaying a clear audio and visual stream, and an indoor location with limited background noise and distraction. It is the sole responsibility of the party appearing by video to ensure the above criteria

are met. The court may continue the hearing and require an in-person appearance if clear communication is not possible by video or if there is a distraction or disturbance that interferes with the hearing.

- G. Nothing in these rules limits the court's ability to order personal appearance.
- H. The court retains full discretion to conclude the video call on its own motion and reschedule the hearing for another date and time due to delay or other concern due to disruption, noise, misconduct, a communication problem, a technical problem, other issue, or in the interest of justice.
- I. Temporary Policy for Remote Appearance in IV-D Child Support Hearings and Conferences  
California Rules of Court, Rule 5.324(e)(1) permits the court, on its own motion, to allow telephone appearances in Title IV-D child support hearings and conferences. As such, the Placer Superior Court authorizes the following:
  - 1. All parties to Title IV-D child support hearings are required to appear remotely unless otherwise ordered by the Court.
  - 2. Parties may request a personal appearance for good cause (see Optional Form PL-FL029).
- J. Temporary Policy for Remote Appearances – Criminal Proceedings  
The court will allow parties to appear remotely in criminal proceedings, as allowed by California Rules of Court, Emergency Rule 3. For criminal proceedings, the court must receive the consent of the defendant to conduct the proceeding remotely and comply with California Rules of Court, Emergency Rule 5. To request to appear remotely:
  - 1. Criminal out-of-custody defendants may appear remotely for pretrial proceedings. Defendants must submit form PL-CR012 through the court's website no later than noon the court day prior to the hearing to notify the court of their waiver of personal appearance and to request a remote appearance.
  - 2. Attorneys may appear remotely for pretrial proceedings with their client or on behalf of their client pursuant to Penal Code section 977 and California Rules of Court, Emergency Rule 5. Attorneys must submit PL-CR012 through the court's website no later than noon the court day prior to the hearing to request a remote appearance. The attorney may note the defendant's waiver of personal appearance on PL-CR012 or on the record at the time of the hearing. The Public Defender's Office and Conflict Counsel Office may establish a separate procedure for submission of the PL-CR012 with the court.

3. Attorneys are required to establish a mechanism to confidentially communicate with their client when their client is appearing remotely, as required by California Rules of Court, Emergency Rule 5.
4. The District Attorney's Office and Probation Department may appear remotely for pretrial proceedings. The District Attorney's Office and Probation Department shall establish a procedure with the court for providing notice of a remote appearance.

Notwithstanding (1) through (4) above, the Court may order, on the record, a subsequent hearing to be heard remotely, with consent from the defendant or defendant's counsel noted on the record.

- K. **Temporary Policy for Remote Appearances – Traffic Proceedings**  
**The court will allow parties and attorneys to appear remotely in non-trial traffic proceedings, as allowed by California Rules of Court, Emergency Rule 3. The court publishes available remote hearing times for traffic proceedings on its website. Parties must review and follow procedures for requesting a remote proceeding as outlined on the court's website. Requesting a remote appearance via the court's website is considered consent to a remote appearance per California Rules of Court, Emergency Rule 5.**

**The Court may order, on the record, a subsequent hearing to be heard remotely, with consent from the defendant or defendant's counsel noted on the record.**

[Adopted 4/6/2020, Amended 4/10/2020, Amended 4/29/2020, Amended May 15, 2020, Amended July 14, 2020, Amended Effective October 1, 2020, Amended Effective November 23, 2020, **Amended Effective 2/19/2021**]